



Exempt Action Final Regulation Agency Background Document

Agency name	Virginia Dept. of Transportation (Commonwealth Transportation Board)
Virginia Administrative Code (VAC) citation	24 VAC 30-91
Regulation title	<i>Subdivision Street Requirements</i>
Action title	Update references to current regulations
Final agency action date	October 15, 2009
Document preparation date	February 17, 2011

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Virginia Administrative Process Act (APA), the agency is encouraged to provide information to the public on the Regulatory Town Hall using this form.

Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, Executive Orders 14 (2010) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Summary

Please provide a brief summary of all regulatory changes, including the rationale behind such changes. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

This action amends the regulation to correct citations and reflect the current organizational structure of the Virginia Department of Transportation (VDOT). Specifically:

- References to the *Land Use Permit Manual* (24 VAC 30-150), which has been repealed, have been replaced with references to the new *Land Use Permit Regulations* (24 VAC 30-151).
- Division names and position titles, particularly in the documents incorporated by reference section, have been removed or changed in order to accommodate changes in division names and transfer of responsibilities within VDOT.
- Definition of “Director of Local Assistance Division” has been removed and references changed to reflect transfer of responsibilities within VDOT; definition of “resident engineer” has been changed to reflect that position’s current responsibilities.
- Minor typographical errors not noticed previously have been corrected.

VDOT's statutory authority for promulgating this regulation is §§ 33.1-12, 33.1-69, 33.1-198, and 33.1-229 of the *Code of Virginia*. The Office of the Attorney General has certified that this action is exempt from the requirements of the Administrative Process Act (§ 2.2-4000 et seq. of the *Code of Virginia*) pursuant to § 2.2-4006 A 3.

Regulatory Flexibility Analysis (§ 2.2-4007.1 of the *Code of Virginia*)

Economic impact on small businesses. The economic impact of the regulation on a business is not determined by the business size. The regulation establishes standards that a subdivision street must meet in order to be accepted for state maintenance.

Continued need for the rule. Most newly constructed streets are subject to the Secondary Street Acceptance Requirements (24 VAC 30-92); this regulation governs certain roads which have been grandfathered. This regulation must remain in effect until those streets have been completed and accepted and any associated bond released.

Nature of complaints or comments received concerning the regulation from the public. VDOT has not recently received any complaints or comments regarding this regulation.

Complexity of the regulation. The regulation is intended to be as clear as possible without compromising public safety and benefit.

Extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation. There are no applicable federal requirements concerning the subject of this regulation. Two CTB regulations address subdivision/secondary street acceptance. The Secondary Street Acceptance Requirements (24 VAC 30-92) clearly delineates which roads it governs and which roads have been grandfathered into the Subdivision Street Requirements (24 VAC 30-91).

Length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. The regulation was last updated in 2005. Most newly constructed streets are subject to the Secondary Street Acceptance Requirements (24 VAC 30-92), promulgated in 2009, which was intended to replace this regulation; this regulation governs certain roads which have been grandfathered. This regulation must remain in effect until those streets have been completed and accepted and any associated bond released.

Statement of final agency action

Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.

On October 15, 2009, the Commonwealth Transportation Board amended *Subdivision Street Requirements* (24 VAC 30-91).

Family impact

Assess the impact of this regulatory action on the institution of the family and family stability.

The amendments to this regulation will have no impact on the family or family stability.